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6

7 **UNITED STATES DISTRICT COURT FOR THE**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 PETER STROJNIK,

10 Plaintiff,

11 vs.

12 R.F. WEICHERT V, INC. dba JABBERWOCK
13 INN,

14 Defendant.

Case No. 5:20-cv-00354-VKD

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO REQUIRE PLAINTIFF
TO POST A COSTS BOND**

Date: December 21, 2021

Time: 10 a.m.

Courtroom: 2, 5th Fl.

Hon. Virginia K. DeMarchi

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INTRODUCTION

Defendant R.F. WEICHERT V, INC. requests that this Court require that plaintiff Peter Strojnik post a bond sufficient to cover Defendant's anticipated costs and reasonable attorney's fees likely to be incurred in the defense of this action, pursuant to *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994) and California Code Civ. P. § 1030. As of this filing, three courts have required Strojnik to post a bond after growing weary of his chicanery, including *Strojnik v. Woodside Hotel Grp.*, No. 20-cv-03204-BLF, 2021 U.S. Dist. LEXIS 24880 (N.D. Cal. Feb. 9, 2021) (imposing a \$20,000 bond), *Strojnik v. Driftwood Hosp. Mgmt. LLC*, 2021 WL 50456, at *11 (D. Ariz. Jan. 6, 2021) (finding Strojnik to be a vexatious litigant, imposing a \$10,000 on any ADA claim filed in federal court or removed from state court), and citing *Strojnik v. Sashi Goup, LLC*, Santa Clara Superior Court Case No. 20CV367614 (finding Strojnik a state court vexatious litigant and imposing a \$50,000 bond). In addition to the foregoing, Strojnik has a string of unsatisfied sanctions awards and judgments from cases that he filed in this District and in the Southern District, totalling over \$80,000 in unpaid attorney's fees and sanctions ordered by, among others, this Court. See judgments and liens attached to the Stillman Decl. as Exhibit 5.

Moreover, despite this Court's (and others) admonishment regarding compliance with Fed.R.Civ.P. 11, Strojnik has now, for the first time in his checkered history of litigation in this state, claimed in his Second Amended Complaint that he actually has and uses a wheelchair – a plainly false allegation, as found by Judge Bashant in her order granting a motion for attorney's fees against Strojnik.

The problem that this Court and others face is that the normal guardrails of litigation, such as Rule 11 admonishments, sanctions, judgments and even disbarment — have had zero effect on Strojnik. If he has already lost his license to practice law due to fraudulent ADA litigation, is willing to fabricate allegations, refuses to pay sanctions, has been held in contempt twice for failing to pay attorney's fees and sanctions in ADA cases, has a string of unsatisfied judgments and tax liens and claims to have nothing in his name, the *only* way

1 that this Court can protect defendants is to require Strojnik to post a bond if he wants to
 2 continue to pursue his bad faith claims. As one court put it in imposing a requirement that
 3 Strojnik post a \$10,000 bond for any complaint filed in the District of Arizona alleging
 4 ADA violations:

5 if this Order is to be truly “narrowly-tailored,” it must precisely address the
 6 root of the wrongful behavior: Mr. Strojnik’s financial incentives. It is
 7 reasonable to assume that many of the parties targeted by Mr. Strojnik’s
 8 vexatious tactics would rather pay Mr. Strojnik to go away than deal with a
 9 lawsuit. The parties that choose to bear the costs of defeating Mr. Strojnik’s
 10 frivolous claims in court are too few and far between. And because it is
 11 relatively inexpensive for Mr. Strojnik to file a claim, these brave parties’
 12 efforts ultimately do not deter further frivolous claims. Therefore, the Court
 13 must increase Mr. Strojnik’s cost of filing frivolous ADA cases by requiring
 14 that he post a bond for ADA cases that come before this Court.

15 *Strojnik v. Driftwood Hosp. Mgmt. LLC*, 2021 U.S. Dist. LEXIS 1720, at *31-32 (D. Ariz.
 16 Jan. 6, 2021). Defendant requests that this Court require Strojnik to post a bond in the
 17 amount of \$75,000 as set forth in the Declaration of Philip H. Stillman filed herewith and
 18 stay this case until a ruling on this motion, since Defendant should not have to incur the
 19 additional expenses of yet another Motion to Dismiss until this Court resolves this Motion.

16 **STATEMENT OF FACTS**

20 Plaintiff Peter Strojnik is a serial ADA plaintiff who has filed over 180 cases against
 21 hotels in California claiming to be disabled. See PACER printout of Strojnik cases,
 22 attached to the Stillman Decl. as Exhibit 1. Appearing pro se, Strojnik alleges that he is a
 23 resident of Maricopa County, Arizona. Complaint, ¶ 3. A former attorney, he was disbarred
 24 in May 2019 by the Arizona State Bar for filing hundreds if not thousands of fraudulent
 25 ADA complaints. *Strojnik v. 1017 Coronado, Inc.*, 2021 U.S. Dist. LEXIS 6824, at *5
 26 (S.D. Cal. Jan. 12, 2021). As one Court held in dismissing a Strojnik ADA case with
 27 prejudice:
 28

A search of pacer.gov, sorted by date, reveals that three months after Plaintiff’s
 law license was suspended, he began filing ADA access cases as a pro se
 litigant instead of filing them on behalf of clients. [citation omitted] Indeed, in
 less than four months, Plaintiff has filed twenty-six ADA actions as a pro se
 litigant. Rather than being a befuddled pro se litigant . . . Plaintiff is an
 experienced litigator who appears to have altered his business model to work
 around the loss of his license.

1 *Strojnik v. Singpoli Grp., LLC*, 2019 U.S. Dist. LEXIS 24494, at *3-4 (C.D. Cal. Feb. 14,
 2 2019), *aff'd*, 2020 U.S. App. LEXIS 11910 (9th Cir. Apr. 15, 2020). Strojnik's typical
 3 business model is to file a skeletal complaint that alleges four causes of action: (1) a claim
 4 under the ADA, (2) claims under both the Unruh Act and the Disabled Persons Act, and (3)
 5 a claim for negligence per se based on the alleged "intentional" violation of the ADA. *See*
 6 e.g., Strojnik's Complaint in this case. As one Court held in dismissing his Complaint:

7 Finally, a cursory review of other cases Strojnik has filed in this district reveals
 8 that he has filed essentially identical complaints against other entities that
 9 merely replace the defendant's name and other minor details. . . Much like the
 10 complaint in this case, those complaints do not allege specific dates or details
 11 regarding the defendants' alleged ADA violations. Strojnik's form complaint
 12 and generic opposition brief raise the question of whether his pleadings are
 13 made in good faith . . . The number of other, essentially identical, complaints
 14 he has filed in this district raise a concern that Strojnik files bare-bones
 15 complaints that do not meet pleading standards in order to pressure ADA
 16 defendants into settlements before the court can reach the merits of his claims.

17 *Strojnik v. IA Lodging Napa First LLC*, 2020 U.S. Dist. LEXIS 32075, at *13-14 (N.D. Cal.
 18 Feb. 25, 2020). These form complaints have virtually uniformly been held to be insufficient
 19 to plead standing pursuant to the ADA. The *IA Lodging Napa First* court subsequently
 20 dismissed Strojnik's First Amended Complaint on June 1, 2020, finding that:

21 The record demonstrates that Strojnik has continued to file formulaic
 22 complaints that fail to allege Article III standing, despite being on notice from
 23 multiple courts in every federal district in California that his pleading practices
 24 are inadequate. The concerns raised by the court address exactly the kind of
 25 conduct that pre-filing orders are intended to prevent. See *De Long*, 912 F.2d
 26 at 1148 ("Flagrant abuse of the judicial process cannot be tolerated because it
 27 enables one person to preempt the use of judicial time that properly could be
 28 used to consider the meritorious claims of other litigants."). Strojnik's pleading
 practices waste the resources of the court and "impose[] unjustified costs on
 parties who are forced to defend loosely pleaded complaints that do not allege
 specific facts about their misconduct." See Order to Comply at 2. There are
 also strong indicia that defendants may be pressured into settling "what might
 be meritless claims rather than incur the considerable time and resources
 required to retain counsel and mount a defense."

29 *Strojnik v. IA Lodging Napa First LLC*, No. 19-cv-03983-DMR, 2020 U.S. Dist. LEXIS
 30 95738, at *35-36 (N.D. Cal. June 1, 2020).

31 Additionally, Strojnik was declared a vexatious litigant and made subject to a pre-
 32 filing order in the Central, Northern and Southern Districts as well as the California
 33 Superior Courts and the District of Arizona. *Strojnik v. SCG American Construction, Inc.*,

1 2020 U.S. Dist. LEXIS 133127, at *3 (C.D.Cal. April 19, 2020); *Strojnik v. IA Lodging*
 2 *Napa First LLC*, 2020 U.S. Dist. LEXIS 95738, at *36 (N.D. Cal. June 1, 2020)(“the court
 3 finds that Strojnik's litigation tactics are frivolous and harassing. Accordingly, Andaz
 4 Napa's motion to declare Strojnik a vexatious litigant is granted and the court will enter a
 5 pre-filing order to screen Strojnik's disability access complaints.”) and *Strojnik v. 1315*
 6 *Orange Ave. LLC*, No. 3:19-cv-1991-LAB (JLB), 2021 U.S. Dist. LEXIS 187126 (S.D. Cal.
 7 Sep. 29, 2021).

8 In addition, Strojnik has been declared a vexatious litigant in the State of California
 9 and subject to a state-wide pre-filing order in *Strojnik v. Ayres-Paso Robles, L.P. et al.*, San
 10 Luis Obispo Superior Court Case No. 20CVP0189 (Cal. Super. Ct. February 2, 2021)
 11 (imposing a state-wide pre-filing order), *Strojnik v. Sashi Group, LLC*, Santa Clara Superior
 12 Court Case No. 20CV367614 (Cal. Super. Ct. Dec. 16, 2020) imposing a \$50,000 bond
 13 requirement on Strojnik), and in the District of Arizona. *Strojnik v. Driftwood Hosp. Mgmt.*
 14 *LLC*, 2021 U.S. Dist. LEXIS 1720, at *32 (D. Ariz. Jan. 6, 2021)(declaring Strojnik a
 15 vexatious litigant and imposing a \$10,000 bond requirement on any ADA case filed in the
 16 District). More than twenty-eight district courts have dismissed his complaints *without*
 17 leave to amend, three of which were recently affirmed by the Ninth Circuit.¹

19 ¹ The following courts have dismissed Strojnik's complaints with prejudice
 20 containing the identical language as in Strojnik's Complaint: *Strojnik v. Orangewood, LLC*,
 21 2020 U.S. Dist. LEXIS 11743(C.D.Cal. January 22, 2020), *Strojnik v. Pasadena Robles*
 22 *Acquisition, LLC*, 2019 U.S. Dist. LEXIS 213070 (C.D.Cal. August 14, 2019), *aff'd*, 801 F.
 23 App'x 569, 570 (9th Cir. Apr. 15, 2020), *Strojnik v. Kapalua Land Co.*, 2019 U.S. Dist.
 24 LEXIS 165525 (D. Haw. Aug. 26, 2019), *aff'd* 801 F. App'x 531 (9th Cir. Apr. 15, 2020);
 25 *Strojnik v. Landry's Inc.*, 2019 U.S. Dist. LEXIS 223873 (S.D. Tex. Dec. 9, 2019); *Strojnik*
 26 *v. Four Sisters Inns, Inc.*, 2019 U.S. Dist. LEXIS 212094 (C.D.Cal. December 9, 2019),
 27 *aff'd*, 2020 U.S. App. LEXIS 20146 (9th Cir. June 26, 2020); *Strojnik v. President Hotel*
 28 *Investment, LLC*, Case No. 8:20-cv-00258-DOC (ADSx) (C.D.Cal. May 28, 2020); *Strojnik*
v. Shandilya, Inc., Case No. 20-cv-00254-DOC (ADSx) (C.D.Cal. May 28, 2020); *Strojnik*
v. Lee Family Trust, Case No. 20-0257-DOC (ADSx) (C.D.Cal. May 28, 2020); *Strojnik*
v. SWK Properties, Case No. 20-00255-DOC (ADSx) (C.D.Cal. May 28, 2020); *Strojnik*
v. Shakti Investments, LLC, Case No. 20-0256-DOC (ADSx) (C.D.Cal. May 28, 2020);

1 Three federal courts have ordered Strojnik to post costs bonds on the very same type
 2 of complaints as in this case: *Strojnik v. Kamla Hotels, Inc.*, No. 19-cv-02212-AJB-AHG,
 3 2021 U.S. Dist. LEXIS 144148 (S.D. Cal. July 30, 2021) (\$20,000 bond); *Strojnik v.*

4
 5 *Strojnik v. Host Hotels & Resorts*, 2020 U.S. Dist. LEXIS 92386 (D. Haw. May 26,
 6 2020)(“the court finds Plaintiff has acted in bad faith and granting leave to amend would be
 7 futile because Plaintiff has been placed on notice by multiple courts of these deficiencies,
 8 and yet, he has failed to cure them” dismissing Second Amended Complaint); *Strojnik v.*
 9 *Victus Grp., Inc.*, 2020 U.S. Dist. LEXIS 54117 (E.D. Cal. Mar. 27, 2020); *Strojnik v. IA*
 10 *Lodging Napa First LLC*, No. 19-cv-03983-DMR, 2020 U.S. Dist. LEXIS 95738 (N.D. Cal.
 11 June 1, 2020)(declaring Strojnik a vexatious litigant in the Northern District and dismissing
 12 First Amended Complaint); *Strojnik v. Hotel Circle GL Holdings, LLC*, 2020 U.S. Dist.
 13 LEXIS 133778 (E.D. Cal. July 28, 2020); *Strojnik v. Inn at Jack London Square, LLC*, Case
 14 No. 20-cv-01289-SBA (TSH)(N.D.Cal. December 3, 2020); *Strojnik v. Wickstrom Hosp.,*
 15 *LLC*, 2020 U.S. Dist. LEXIS 238884 (E.D. Cal. Dec. 17, 2020); *Strojnik v. Bakersfield*
 16 *Convention Hotel*, 2021 U.S. Dist. LEXIS 15653 (E.D. Cal. Jan. 27, 2021); *Strojnik v.*
 17 *Driftwood Hosp. Mgmt. LLC*, 2021 U.S. Dist. LEXIS 1720, at *32 (D. Ariz. Jan. 6, 2021);
 18 *Strojnik v. Portola Hotel, LLC*, No. 19-cv-07579-VKD (N.D. Cal. Mar. 17, 2021); *Strojnik*
 19 *v. Kamla Hotels, Inc.*, No. 19-cv-02212-AJB-AHG, 2021 U.S. Dist. LEXIS 144148 (S.D.
 20 Cal. July 30, 2021).

21 In addition to the Strojnik cases that were dismissed with prejudice, the following
 22 courts have dismissed Strojnik’s complaints with leave to amend: *Strojnik v. 1315 Orange*
 23 *LLC*, 2019 U.S. Dist. LEXIS 185481 (S.D. Cal. Oct. 25, 2019) (“series of grainy, murky
 24 photographs titled “Personal Barrier Encounters,” with brief captions . . . does not identify
 25 any barriers that would affect Strojnik, deny him equal access, or deter him from staying at
 26 the hotel,” *sua sponte* dismissing complaint), *Strojnik v. Hotel Circle GL Holdings, LLC*,
 27 2019 U.S. Dist. LEXIS 20259 (E.D.Cal. November 21, 2019), *Strojnik v. Resort at Indian*
 28 *Springs, Inc.*, 2019 U.S. Dist. LEXIS 218559 (N.D. Cal. Dec. 19, 2019); *Strojnik v.*
Bakersfield Convention Hotel I, LLC, 2020 U.S. Dist. LEXIS 16339 (E.D.Cal. January 31,
 2020); *Strojnik v. San Diego Farah Partners, L.P.*, 2020 U.S. Dist. LEXIS 36536, at *2
 (S.D. Cal. Mar. 2, 2020) (“Strojnik, a litigant who has filed roughly 20 ADA suits in this
 district over the past year, is well aware that a ‘list of alleged [statutory] violations cannot
 substitute for the factual allegations required . . . to satisfy Article III’s requirement of an
 injury-in-fact.’”), *Strojnik v. Wickstrom Hosp., LLC*, 2020 U.S. Dist. LEXIS 52889 (E.D.
 Cal. Mar. 25, 2020) *Strojnik v. The Victus Group*, 2020 U.S. Dist. LEXIS 54117 (E.D. Cal.
 Mar. 27, 2020)(denying unopposed entry of default judgment and dismissing case); *Strojnik*
v. SCG American Construction, Inc., 8:19-cv-01560-JVS-JDE (C.D.Cal. April 19,
 2020)(declaring Strojnik a vexatious litigant).

1 *Woodside Hotel Grp., Ltd.*, No. 20-cv-03204-BLF, 2021 U.S. Dist. LEXIS 24880 (N.D.
 2 Cal. Feb. 9, 2021)(\$20,000 bond); *Strojnik v. Driftwood Hosp. Mgmt. LLC*, No.
 3 CV-20-01532-PHX-DJH, 2021 U.S. Dist. LEXIS 1720 (D. Ariz. Jan. 6, 2021) (\$10,000
 4 bond).

5 Moreover, despite Strojnik’s routine allegations in his complaints that he has severe
 6 right-sided neural foraminal stenosis with symptoms of femoral neuropathy, prostate
 7 cancer, and renal cancer, and a “degenerative right knee,” that his physical impairments
 8 substantially limit his major life activities, that he walks with difficulty and pain and that as
 9 a result of his physical impairments, and that “By virtue of his disability, Plaintiff requires
 10 an ADA compliant lodging facility particularly applicable to his mobility, both ambulatory
 11 and wheelchair assisted,” Compl., ¶14,² a recent March 9, 2020 Rule 35 physical
 12 examination by an orthopedist shows that he has *no* substantial impairments, either in
 13 walking, twisting and grabbing objects, or shoulder range of motion and does *not* appear
 14 impaired. A copy of the Rule 35 report is attached to the Stillman Decl., as Exhibit 2.

15 In addition to the repudiation of Strojnik’s claims by Dr. Greenfield, Defendant has
 16 obtained surveillance video from three hotels that show Strojnik walking with no problems
 17 at all, and in one video, shows him carrying a large “over the shoulder” luggage and pulling
 18 another large suitcase – clearly demonstrating his lack of any type of substantial
 19 impairment. Stillman Decl., ¶ 10. In addition, the mere fact that he is well enough to spend
 20

21 ² Strojnik has now changed this allegation to “Plaintiff is mobility disabled and uses
 22 a wheelchair and a cane, as defined, when traveling.” However, the courts have observed
 23 Strojnik as not requiring a wheelchair for mobility, in addition to several surveillance
 24 videos showing him walking unassisted. *Strojnik v. Vill. 1017 Coronado, Inc.*, No.
 25 19-cv-02210-BAS-MSB, 2020 U.S. Dist. LEXIS 106175, at *8 (S.D. Cal. June 16, 2020)
 26 (“The Court has observed personally that, at least on some occasions, Plaintiff is able to
 27 walk without the assistance of a wheelchair or walker. Plaintiff does not allege when he
 28 needs the assistance of a wheelchair or that he needed the assistance of a wheelchair at the
 time he wished to visit the Hotel.”).

1 weeks driving thousands of miles in his car around California suing hotels strongly calls
 2 into question his alleged disabilities, which he alleges include his inability to sit and turn a
 3 steering wheel. *See Strojnik v. Orangewood, LLC*, 8:19-cv-00946-DSF-GJS, Second
 4 Amended Complaint, ¶ 33 (listing travel from January 23, 2019-July 26, 2019); Second
 5 Amended Complaint in this action, ¶ 13(c). As the *Driftwood* Court held, “There is no
 6 serious doubt that Mr. Strojnik exaggerates his injuries.” *Strojnik v. Driftwood Hosp. Mgmt.*
 7 *LLC*, 2021 U.S. Dist. LEXIS 1720, at *27 (D. Ariz. Jan. 6, 2021).

8 ARGUMENT

9 I.

10 **STROJNIK SHOULD BE REQUIRED TO POST A BOND IN THIS CASE**

11 While the Federal Rules of Civil Procedure do not have a “specific provision . . .
 12 relating to security for costs,” district courts “have inherent power [and discretion] to
 13 require plaintiffs to post security for costs.” *Simulnet E. Assocs. v. Ramada Hotel*
 14 *Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). The question of whether to impose a bond
 15 requires district courts to look to the forum state’s law. *Id.* (“Typically federal courts, . . .
 16 follow the forum state’s practice with regard to security for costs . . .”); *see also Pittman*
 17 *ex rel. L.P. v. Avish P’ship*, 525 F. App’x 591, 593 (9th Cir. 2013)(affirming bond
 18 requirement for serial ADA plaintiff). California Code of Civil Procedure permits courts to
 19 require “an undertaking to secure an award of costs and attorney’s fees” from a plaintiff.
 20 *Crytek Gmbh v. Cloud Imperium Games Corp.*, 2019 U.S. Dist. LEXIS 157184 (C.D. Cal.
 21 July 22, 2019) citing Cal. Civ. Proc. Code § 1030(b). Under that statute, a defendant may
 22 move for such an undertaking when: (1) “plaintiff resides out of the state or is a foreign
 23 corporation” and (2) “there is a reasonable possibility that the moving defendant will obtain
 24 judgment in the action or special proceeding.” *Id.* *See also, Strojnik v. Kamla Hotels, Inc.*,
 25 No. 19-cv-02212-AJB-AHG, 2021 U.S. Dist. LEXIS 144148 (S.D. Cal. July 30,
 26 2021)(imposing costs bond on Strojnik after dismissing complaint for lack of jurisdiction
 27 but granting leave to amend). A defendant does not need to show that there is “no
 28 possibility” that the plaintiff could win at trial, “but only that it [is] reasonably possible”

1 that the defendant will win.” *Crytek GmbH v. Cloud Imperium Games Corp.*, 2019 U.S.
 2 Dist. LEXIS 157184 (C.D. Cal. July 22, 2019) at *3, citing *Baltayan v. Estate of Getemyan*,
 3 90 Cal. App. 4th 1427, 1432 (2001). This hurdle is a “relatively low” one. *AF Holdings*
 4 *LLC v. Navasca*, 2013 U.S. Dist. LEXIS 15617 at *1 (N.D. Cal. Feb. 5, 2013). *Strojnik v.*
 5 *Woodside Hotel Grp.*, No. 20-cv-03204-BLF, 2021 U.S. Dist. LEXIS 24880 (N.D. Cal.
 6 Feb. 9, 2021) (imposing a \$20,000 bond). The Ninth Circuit has held that this standard is
 7 met when it would not be “illogical, implausible, or without support in the record to
 8 conclude that there [is] a reasonable possibility that [the defendant] would prevail” and be
 9 entitled to fees and costs. *Pittman*, 525 F. App’x at 593. This issue has already been
 10 decided against Strojnik in *Strojnik v. Woodside Hotel Group, Ltd*, 2021 U.S. Dist. LEXIS
 11 24880 (N.D. Cal. Feb. 9, 2021)(“The Court also finds that there is a reasonable possibility
 12 that Defendant will prevail on the merits and that Strojnik’s Americans with Disabilities Act
 13 (“ADA”) claim is frivolous”) and *Kamla Hotels*, where the court applied the *Simulent*
 14 factors to require that Strojnik post a \$20,000 bond in the identical case as here.

15 Courts should also “balance several factors in assessing the propriety of requiring a
 16 plaintiff to post security for costs, including whether the litigation has ‘the appearance of
 17 vexatiousness’ and:

18 (i) the degree of probability/improbability of success on the merits, and the
 19 background and purpose of the suit; (ii) the reasonable extent of the security to
 20 be posted, if any, viewed from the defendant’s perspective; and (iii) the
 reasonable extent of the security to be posted, if any, viewed from the
 nondomiciliary plaintiff’s perspective.

21 *A. Farber & Partners, Inc. v. Garber*, 417 F. Supp. 2d 1143, 1146 (C.D. Cal. 2006) (citing
 22 *Simulnet*, 37 F.3d at 576). There is no dispute that Plaintiff is an out of state resident and
 23 therefore satisfies the first element of Code Civ. P. § 1030(b). *Kamla Hotels, supra* at *3.
 24 There is similarly no dispute that Defendant can be entitled to an award of attorney’s fees if
 25 it prevails in the case. *Pittman v. Avish P’ship*, 525 F. App’x 591, 593 (9th Cir.
 26 2013)(affirming imposition of bond for costs in ADA claim). That leaves the *Simulent*
 27 factors examined by the Ninth Circuit.

28 A. The Appearance of Vexatiousness.

1 This Court need not labor long on the issue of whether Strojnik's complaints have
 2 the appearance of vexatiousness, as Judges Selna, Ryu, Burns and this Court have already
 3 made such a finding based on Strojnik's almost identical complaint filed in this case. As
 4 Judge Selna recently held,

5 countless courts have questioned Strojnik's motives in pursuing the litigation
 6 and whether he has a good faith basis for his claims. This is based on the fact
 7 that he files near identical lawsuits, save a few photographs and name changes,
 8 in what is apparently an effort to pressure ADA defendants into settlements
 9 before courts can reach the merits. . . . Strojnik should be very well aware of the
 type of conduct that is permissible, yet despite repeated questioning of his
 intentions, he continues to file countless ADA cases in an effort to obtain
 money from his victims . . . *Strojnik's history contains countless filings of
 frivolous complaints and instances of directly ignoring court orders.*

10 *Strojnik v. SCG American Construction, Inc.*, 8:19-cv-01560-JVS-JDE (C.D.Cal. April 19,
 11 2020) (emphasis added). *See also, Strojnik v. Kamla Hotels, Inc.*, No.
 12 19-cv-02212-AJB-AHG, 2021 U.S. Dist. LEXIS 144148, at *4 (S.D. Cal. July 30, 2021)
 13 ("Strojnik's history contains countless filings of frivolous complaints and instances of
 14 directly ignoring court orders . . . in light of the foregoing, there is a reasonable possibility
 15 that Defendant will prevail on the merits of this action"); *Strojnik v. Portola Hotel, LLC*,
 16 No. 19-cv-07579-VKD, 2021 U.S. Dist. LEXIS 174905, at *5 (N.D. Cal. Sep. 14,
 17 2021) ("the Court concludes that Mr. Strojnik's claims were frivolous, unreasonable, and
 18 without foundation, and that Portola is entitled to an award of attorneys' fees."); *Strojnik v.*
 19 *Woodside Hotel Grp., Ltd.*, 2021 U.S. Dist. LEXIS 24880, at *2 (N.D. Cal. Feb. 9, 2021)
 20 ("The Court also finds that there is a reasonable possibility that Defendant will prevail on
 21 the merits and that Strojnik's Americans with Disabilities Act ("ADA") claim is
 22 frivolous."); *Advocates for Individuals with Disabilities LLC v. MidFirst Bank*, 279 F.
 23 Supp. 3d 891, 893 (D. Ariz. 2017) ("Template complaints filled with non-specific
 24 allegations have become the stock-in-trade of attorneys Peter Strojnik This
 25 extortionate practice has become pervasive."); *Strojnik v. Host Hotels & Resorts*, 2020 U.S.
 26 Dist. LEXIS 92386 (D. Haw. May 26, 2020) ("the court finds Plaintiff has acted in bad faith
 27 and granting leave to amend would be futile"). In the Court's second ruling in *IA Napa*
 28 *Lodging*, holding that Strojnik is a vexatious litigant and dismissing his First Amended

1 Complaint with prejudice, Judge Ryu held that “Strojnik’s litigation tactics are frivolous
 2 and harassing.” *Strojnik v. IA Lodging Napa First LLC*, 2020 U.S. Dist. LEXIS 95738, at
 3 *36 (N.D. Cal. June 1, 2020); *Strojnik v. Ayres-Paso Robles, LLC*, San Luis Obispo Case
 4 No. 20CVP0189 (“Plaintiff’s complaints demonstrate a pattern that rises to the level of a
 5 frivolous litigation tactic”); *Strojnik v. Driftwood Hosp. Mgmt. LLC*, 2021 U.S. Dist.
 6 LEXIS 1720, at *29 (D. Ariz. Jan. 6, 2021)(“The Court finds Mr. Strojnik’s litigation
 7 tactics frivolous and harassing.”)

8 Strojnik has also attempted to drive up the costs of litigation by filing an overtly
 9 improper “Strojnik Version I” complaint, refusing to file an amended complaint when
 10 asked to do so by opposing counsel (as counsel did in this case) in several cases, and then
 11 waiting until after the defendant has filed a Motion to Dismiss to file a superseding
 12 amended complaint which then forces the defendant to have to prepare and file yet another
 13 motion to dismiss. Stillman Decl., ¶ 11. This has been Strojnik’s stock in trade since before
 14 he was disbarred. *Advocates for Individuals with Disabilities Found., Inc. v. Golden Rule*
 15 *Props., LLC*, 2017 U.S. Dist. LEXIS 103538, at *5 (D. Ariz. Mar. 20, 2017) (Strojnik’s
 16 tactic “was a bait-and-switch maneuver aimed at ‘prolonging litigation and imposing costs
 17 on the opposing party.’”).

18 Not only that, but Strojnik has overtly lied in his Second Amended Complaint that he
 19 uses a wheelchair – something Judge Bashant held (and the Court-ordered Independent
 20 Medical Examination found) was false. This Second Amended Complaint, which not only
 21 contradicts prior allegations in the First Amended Complaint but adds new allegations the
 22 he carries a wheelchair around with him, is simply more of the same.

23 B. The Simulent Factors.

24 1. **The Degree of Probability/improbability of Success on the Merits, and the**
Background and Purpose of the Suit.

25 The hurdle to show that a defendant has a possibility of prevailing is low. The Ninth
 26 Circuit has held that district courts do not abuse their discretion by requiring a security
 27 when it would not be “illogical, implausible, or without support in the record to conclude
 28

1 that there [is] a reasonable possibility that [the defendant] would prevail” and be entitled to
 2 fees and costs. *Crytek GmbH v. Cloud Imperium Games Corp.*, 2019 U.S. Dist. LEXIS
 3 157184, at *4 (C.D. Cal. July 22, 2019) citing *Pittman*, 525 F. App’x at 593. Given that
 4 defendants have prevailed against Strojnik more than 20 times on identical or virtually
 5 identical complaints, two Districts in California, the District of Arizona and the State of
 6 California have declared him a vexatious litigant, it is certainly *not* “illogical, implausible,
 7 or without support in the record” to conclude that Defendant has shown a reasonable
 8 possibility of prevailing in this case. *See Kamla Hotels, supra* at *3-5 (finding that
 9 defendant had shown a reasonable possibility of success on Strojnik’s Second Amended
 10 Complaint in light of the court’s prior dismissals of his complaint for lack of standing, the
 11 fact that numerous courts (including this district) have held Strojnik to be a vexatious
 12 litigant); *Woodside Hotel Group, supra* (“The Court also finds that there is a reasonable
 13 possibility that Defendant will prevail on the merits and that Strojnik’s Americans with
 14 Disabilities Act (“ADA”) claim is frivolous.”).

15 a. ***Numerous Courts Have Already Held That Strojnik’s Complaints Are
 16 Insufficient.***

17 As discussed above, Strojnik is a serial ADA litigant who has filed over 180 cases
 18 against hotels, all of which are based on the same cookie cutter allegations that are found in
 19 the Complaint here. Over 20 courts have already held that Strojnik’s allegations regarding
 20 his purported “injury in fact,” intent to return and deterrence are insufficient as a matter of
 21 law and have dismissed those complaints without leave to amend. The Ninth Circuit has
 22 affirmed four such dismissals in *Pasadena Robles, Kapalua Land Co., Four Sisters Inns,
 23 LLC and Orangewood, LLC*. Those cases, being final judgments, are now collateral
 24 estoppel on at least the issues of (1) whether Strojnik’s allegation regarding an intent to
 25 return is sufficient and (2) whether Strojnik’s allegation that he is “deterred” from going to
 26 the Defendant’s hotel is sufficient. Thus, based on those cases alone, Defendant has
 27 demonstrated a possibility of success on the merits.

28 However, the Court need not rely on the doctrine of collateral estoppel alone to find

1 that Defendant has demonstrated at the very least, a reasonable possibility of prevailing.
 2 First, there is the finding of more than *twenty* other district courts (including this Court) that
 3 Strojnik has not identified how any barriers that he claims to have experienced are barriers
 4 to him based on his own purported disabilities as required by *Chapman v. Pier 1 Imports,*
 5 *Inc.*, 631 F.3d 939, 954 (9th Cir. 2011)(*en banc*).³ Although an equal number of those
 6 courts have, under the Ninth Circuit's liberal policy of amendment, afforded Strojnik
 7 another opportunity to cure that problem, and in those cases, motions to dismiss the
 8 amended complaint are still pending, the surest indicator of Strojnik's inability or refusal to
 9 cure that defect can be found in *Orangewood*, where the court gave Strojnik three chances
 10 to file a satisfactory complaint and after failing to heed the Court's orders on what was
 11 needed to cure the defective complaint, dismissed the Second Amended Complaint with
 12 prejudice, and *Wickstrom Hospitality*, where Strojnik was also given two opportunities to
 13 amend.

14 In *Strojnik v. 1315 Orange Ave. LLC*, No. 3:19-cv-1991-LAB (JLB), 2021 U.S. Dist.
 15 LEXIS 187126 (S.D. Cal. Sep. 29, 2021), the presiding judge of the Southern District had
 16 this to say:

17 Strojnik claims to be a champion of disability rights—but a champion he most
 18 certainly is not. The fact that his complaints have overwhelmingly been
 19 dismissed or have settled very early on in the litigation indicates to the Court
 20 that he is aware he doesn't have a good-faith basis for bringing these claims,
 21 and yet he does so anyway with the intention of harassing defendants and
 22 extorting settlements out of them. The sheer number of deficient complaints
 23 filed by him has not only imposed a significant strain on the court system, but
 24 it has also resulted in the harassment of numerous establishments across
 25 various jurisdictions. Strojnik is well aware that his frivolous lawsuits waste
 26 the courts' time and cause inconvenience to third parties, and it is abundantly
 27
 28

³ In several of these cases, the district court entered at least two orders dismissing Strojnik's complaints with leave to amend, before concluding that the complaint should be dismissed with prejudice. For example, in *Orangewood*, the court entered two prior orders before dismissing with prejudice. In *IA Napa Lodging First*, the Court entered two such orders. In *President Hotel Investments*, and *Shandilya*, the court entered two such orders. Thus, the actual number of *orders* finding that Strojnik's complaints are inadequate are almost double the over twenty cases where his complaints were finally dismissed with prejudice.

1 apparent that he simply doesn't care. Strojnik's utter disregard for court orders
 2 and basic pleading requirements is nothing short of an abuse of the judicial
 3 process, and he shouldn't be permitted to continue with this exploitative
 4 behavior.

5 *Id.* at *17.⁴ Thus, at the very least, it is unlikely that Strojnik can successfully plead
 6 standing.

7 That conduct continues in this case. Strojnik *still* doesn't relate the purported
 8 violations identified in the Second Amended Complaint to his non-existent "disabilities"
 9 that will likely lead to the dismissal of his new bad faith complaint.

10 b. ***Evidence Shows That Strojnik Is Not Disabled.***

11 In all of the cases granting motions to dismiss, the district courts declined to rely on
 12 matters outside the four corners of the complaint. However, in connection with this
 13 Motion, the Court is not so limited. *Crytek GmbH v. Cloud Imperium Games Corp.*, 2019
 14 U.S. Dist. LEXIS 157184, at *6 (C.D. Cal. July 22, 2019) (relying on declarations to
 15 establish propriety of costs bond). The extra-complaint evidence conclusively establishes
 16 that Strojnik's claims are bogus. The Court need look no further than Judge Bashant's
 17 findings in *Strojnik v. 1017 Coronado, Inc.*, No. 19-cv-02210-BAS-MSB, 2021 U.S. Dist.
 18 LEXIS 6824, at *10 (S.D. Cal. Jan. 12, 2021):

19 Mr. Strojnik appears to suggest that he is wheelchair-bound, a fact that clearly
 20 is not true. In the case most recently before the Court, the Court ordered an
 21 IME to determine whether Mr. Strojnik was truly disabled as he claimed in his
 22 lawsuit. The case settled after the IME was conducted but the examiner
 23 concluded Mr. Strojnik "ambulates relatively well with a very slight limp and
 24 has an erect posture." (See Ex. 2 to Stillman Decl.) Similarly, at a Court
 25 hearing on December 10, 2019 (a month after this lawsuit was filed), the Court
 26 observed Plaintiff able to walk into a courtroom unassisted by a wheelchair. At
 27 that time Plaintiff did not appear to have difficulty walking.

28 See also, *Strojnik v. Driftwood Hosp. Mgmt. LLC*, 2021 U.S. Dist. LEXIS 1720, at *27 (D.
 29 Ariz. Jan. 6, 2021)(“The Court can only conclude, and so finds, that Mr. Strojnik habitually
 30 over-exaggerates his injuries.”).

31 Second, very little is more persuasive than video showing Strojnik striding around

32 ⁴ On October 6, 2021, the court *sua sponte* set a hearing for December 13, 2021 to
 33 hold Strojnik in contempt for failing to pay \$11,400 in sanctions ordered by the court.

1 hotels with no apparent impairment. In a June 5, 2019 surveillance video, Strojnik is seen
2 striding through the lobby of the Bakersfield Marriott pulling a large suitcase and carrying
3 another piece of luggage over his shoulder. For the convenience of the court, that video is
4 posted on YouTube at <https://youtu.be/pnZ2I4yQ3ss>. The timing of this video is important
5 because Strojnik claims that he had a total knee replacement on June 18, 2019, only thirteen
6 days after this video shows him “ambulating” without problems at the Bakersfield Marriott
7 – a hotel he then sued. It is reasonable to infer that Strojnik’s “excruciating” pain,
8 discomfort and difficulty in walking would have been at its zenith so shortly prior to the
9 knee replacement surgery, an inference completely debunked by the surveillance tape.

10 Second, there is new surveillance footage of Strojnik “casing” a hotel for ADA
11 compliance on February 11, 2020. That video also shows him walking briskly in front of
12 the front desk, where he identifies himself, and then walking without any apparent
13 difficulty whatsoever in the parking lot as he appears to be taking measurements in order to
14 sue that hotel and finally, getting into his car. That video is also posted on YouTube for the
15 Court’s convenience at <https://youtu.be/GRnXOCeh8Pc>.

16 In what is perhaps the best surveillance video to date, another video was taken of
17 Strojnik casing a Bay Area hotel for ADA compliance on February 10, 2020, which again
18 shows Strojnik “ambulating” with no problems whatsoever. The video can be seen at
19 <https://www.youtube.com/watch?v=VebdlEcVh4E>. These videos plainly show that
20 Strojnik is not disabled, does not need “mobility assistance devices” and regardless of what
21 he claims is his plethora of medical problems, one thing these videos make clear: Strojnik’s
22 complaints are fraudulent, vexatious and indeed, sanctionable under 28 U.S.C § 1927 and
23 this Court’s inherent powers.

24 In addition to the foregoing, ABC News Phoenix did an expose on Strojnik’s filing
25 of fraudulent ADA lawsuits, which ultimately led to his disbarment. Two videos of
26 Strojnik walking without any impairment are posted on the ABC Channel 15 website.
27 [https://www.abc15.com/news/local-news/investigations/state-bar-moves-to-suspend-serial-](https://www.abc15.com/news/local-news/investigations/state-bar-moves-to-suspend-serial-suing-attorney-exposed-by-abc15)
28 [suing-attorney-exposed-by-abc15](https://www.abc15.com/news/local-news/investigations/state-bar-moves-to-suspend-serial-suing-attorney-exposed-by-abc15) and

1 https://www.abc15.com/news/local-news/investigations/az-attorney-general-attempts-second
 2 intervention-to-shut-down-serial-suing-attorney.

3 Finally, there is the Rule 35 report. In light of those videos, it should come as no
 4 surprise to this Court that a Fed.R.Civ.P. 35 examination by an orthopedist on March 9,
 5 2020 ordered by the court in *Strojnik v. Evans Hotels, LLC*, 3:19-CV-00650-BAS-AGH
 6 (S.D.Cal. 2019) determined that Strojnik has none of the purported physical limitations that
 7 Strojnik complains of in his Second Amended Complaint, ¶ 14. For example, regarding
 8 Strojnik's claimed difficulty in walking, Dr. Greenfield found that "He appears to be
 9 functioning well post right total knee arthroplasty" and "He ambulates relatively well with a
 10 very slight limp and has an erect posture." Regarding Strojnik's claimed femorinal
 11 stenosis, Dr. Greenfield observed that "He has no evidence of positive nerve root tension
 12 signs." Regarding Strojnik's claimed inability to grasp objects and twist with his hands and
 13 shoulders, Dr. Greenfield found that "He has a functional range of motion of his shoulders
 14 with flexion, internal rotation, and external rotation" and "He does have an initial adequate
 15 grip on both the right- and the left-hand side." Stillman Decl., Exhibit 2.

16 To put it mildly, Judge Bashant's findings, the Rule 35 report and the videos
 17 demonstrate that Strojnik has no substantial limitations that he could truthfully allege
 18 pursuant to Rule 11 are related to the bare procedural violations that he identifies in his
 19 complaints. That is why, despite 28 courts telling him to do so (often more than once), he
 20 has refused to explain clearly how he is disabled and how those purported disabilities relate
 21 to any alleged barriers. The video evidence coupled with the Rule 35 Report at a minimum
 22 establishes that Defendant has shown at least a reasonable possibility of prevailing in this
 23 case.

24 2. **The Reasonable Extent of the Security to Be Posted, Viewed from the
 Defendant's Perspective.**

25 As set forth in the Stillman Declaration, Defendant has shown that it will likely cost
 26 well over \$75,000 in reasonable attorney's fees and taxable costs to litigate this case
 27 through trial. That amount is specifically itemized in the Stillman Decl., ¶¶ 14-24. As
 28

1 detailed therein, that is much less than the estimate of the attorney's fees that will likely be
 2 expended in defeating Strojnik's claims, together with \$33,100 in costs.

3 "Courts must be careful not to 'deprive a plaintiff of access to the federal courts' by
 4 forcing them to post an excessive bond." *Crytek Gmbh v. Cloud Imperium Games Corp.*,
 5 2019 U.S. Dist. LEXIS 157184, at *10-11 (C.D. Cal. July 22, 2019). Although Defendant
 6 estimates that attorney's fees through trial will amount to over \$110,000, this is not an
 7 excessive amount for litigating a case – even a vexatious one. Moreover, although Strojnik
 8 claims to be retired, he admits to having received \$249,079 from 117 ADA settlements in
 9 the last two years. *Strojnik v. IA Lodging Napa First LLC*, 2020 U.S. Dist. LEXIS 95738,
 10 at *18-19 (N.D. Cal. June 1, 2020). In a contempt hearing for failing to pay attorney's fees
 11 in *Strojnik v. Village 1107 Coronado*, analysis of bank records from September 2018
 12 through April 2021 that Strojnik was forced to produce showed that he deposited a
 13 whopping \$1.7 million in settlements into that account. Stillman Decl., ¶ 14 and Exhibit 6.
 14 Germane to this Motion, and not surprisingly, the district court held after the evidentiary
 15 hearing that Strojnik clearly had the ability to pay the \$44,246 in sanctions and attorney's
 16 fees ordered by the court. *Strojnik v. Vill. 1107 Coronado, Inc.*, No.
 17 19-cv-02210-BAS-MSB, 2021 U.S. Dist. LEXIS 112456 (S.D. Cal. June 15, 2021).

18 In *Driftwood*, the Court ordered Strojnik to provide evidence of the amount of all of
 19 his settlements in the Arizona courts in the last year. The Court specifically held that
 20 Strojnik misrepresented the amount that he received, holding that "To date, he says he has
 21 settled thirteen cases, which would amount to just over \$100,000. Even if the Court
 22 accepted Mr. Strojnik's claimed 'initial expenses' beyond fees and service costs as
 23 legitimate, he would still be making about \$75,000." *Strojnik v. Driftwood Hosp. Mgmt.*
 24 *LLC*, 2021 U.S. Dist. LEXIS 1720, at *24 (D. Ariz. Jan. 6, 2021).

25 Considering that despite those justifiable attorney's fees, Defendant is only seeking a
 26 fraction of those fees as a bond, the amount sought is not excessive. See *Pittman v. Avish*
 27 *P'ship*, 525 F. App'x 591, 594 (9th Cir. 2013)(in ADA case, "it was not an abuse of
 28 discretion to set the bond at \$50,000.").

1 The need for a bond is especially important in Strojnik's cases for two reasons.
 2 First, Strojnik appears to use multiple nonprofits into which he either deposits his ill-gotten
 3 gains or to which he assigns his ill-gotten gains. In *Advocates for Individuals with*
 4 *Disabilities LLC v. MidFirst Bank*, 279 F. Supp. 3d 891, 893 (D. Ariz. 2017), a case where
 5 Strojnik was counsel, the court identified four such similar sounding nonprofits:

6 AID has pursued upwards of 160 cookie-cutter lawsuits in federal court and,
 7 from early to later 2016, more than 1,700 such suits in Arizona state court.
 8 They come under the heading of different organizations with closely related
 9 names: "Advocates for Individuals with Disabilities Foundation," "Advocates
 for Individuals with Disabilities LLC," and "American Advocates for Disabled
 Individuals." (Doc. 42-1 at 4.) (Some have also been filed under the name
 "Advocates for American Disabled Individuals LLC."

10 *Id. See also, Advocates for Individuals with Disabilities LLC v. WSA Props. LLC*, 210 F.
 11 Supp. 3d 1213 (D. Ariz. 2016). Strojnik also has claimed that he has donated \$1.2 million
 12 from his ADA lawsuits to an unnamed nonprofit corporation. *See* Strojnik Response to
 13 Order to Show Cause, *Strojnik v. IA Napa Lodging First, LLC*, Case 4:19-cv-03983-DMR
 14 (N.D.Cal. March 21, 2020), Dkt. 56, p. 9. Strojnik does not identify the name of the
 15 nonprofit to which he claims to have allegedly donated \$1.2 million. Moreover, in his
 16 disbarment testimony before the Arizona State Bar, Strojnik claimed that he:

17 worked for free, under an arrangement with AID, he would demand attorney
 18 fees and those attorney fees were paid directly to AID and given to other
 19 individuals unknown to Mr. Strojnik. [158:7-18.] He swore he was never paid
 or given anything for attorney fees. Instead he testified, "The attorney fees
 were assigned to AID." He then added "I never saw the check."

20 Order of Interim Suspension, p. 9, *In re Peter Strojnik*, Case No. PDJ 2019-9018. A copy of
 21 the Order for Interim Suspension is attached to the Stillman Decl., as Exhibit 4. *See also,*
 22 *MidFirst Bank*, 279 F. Supp. 3d at 897 ("Strojnik also maintains that all of the fees
 23 collected in his cases are donated to charity, though no details are given.").⁵

24 Second, Strojnik has thumbed his nose at the courts in this District and elsewhere by

25
 26
 27 ⁵ At the evidentiary hearing in *Village 1107 Coronado*, Strojnik was not even sure of
 28 the name of the charity, to whom he assigned settlements, or even where the alleged charity
 was located.

1 refusing to pay court-ordered sanctions or attorney's fees of over \$88,000, as well as
 2 refusing to post a bond ordered by the courts.

3 Third, Strojnik has left a trail of unpaid liens, sanctions and judgments in both
 4 Arizona and now in California. *See RJN, Exhibit 5.* The very purpose of imposing a cost
 5 bond on an out of state plaintiff is to make sure that a successful defendant can collect costs
 6 and attorney's fees without difficulty. Here, there are cost awards against Strojnik in
 7 California state courts of approximately \$3,000, as well as four attorney's fee awards of
 8 approximately \$80,000. Strojnik is literally thumbing his nose at the Courts and only with
 9 a costs bond can Defendant be assured of being able to collect on an award.

10 Since it cannot be disputed that (1) Strojnik has been disbarred for filing fraudulent
 11 claims, (2) uses one or more nonprofit corporations to hide the proceeds of his ADA
 12 lawsuits from creditors and (3) claims to have worked for "free" or has claimed huge
 13 undocumented expenses to hide his income, (4) his purported excuses for failing to pay
 14 were a sham and (5) has left a trail of unpaid judgments and liens in both Arizona and
 15 California, it is highly likely that without a bond, Defendant will never be able to collect
 16 any attorney's fees or costs awarded.

17 **3. The Reasonable Extent of the Security to Be Posted Viewed from the**
 18 **Nondomiciliary Plaintiff's Perspective.**

19 Strojnik no doubt views *any* amount as unreasonable. This factor should carry no
 20 weight at all. However, given his admission that he has received \$249,000 in settlements
 21 since May 2018 (when he was suspended as a lawyer) through the present in California, the
 22 evidence that he has deposited approximately \$1.7 million in settlements into a bank
 23 account controlled by him between September 2018 and April 2021, the approximately
 24 \$100,000 in settlements in the past year as found by the *Driftwood* court in Arizona and
 25 claims to have donated \$1.2 million in settlement proceeds to charity in *IA Lodging Napa*

1 First, and according to Zillow.com, lives in a house valued at \$1.6 million,⁶ Strojnik can
2 clearly afford to post a \$75,000 bond. *See Pittman*, 525 F. App’x at 594.

3 As the *Driftwood* court held, “because it is relatively inexpensive for Mr. Strojnik to
4 file a claim, these brave parties’ efforts ultimately do not deter further frivolous claims.
5 Therefore, the Court must increase Mr. Strojnik’s cost of filing frivolous ADA cases by
6 requiring that he post a bond for ADA cases that come before this Court.” *Strojnik v.*
7 *Driftwood Hosp. Mgmt. LLC*, 2021 U.S. Dist. LEXIS 1720, at *32 (D. Ariz. Jan. 6, 2021)

CONCLUSION

9 For the foregoing reasons, Defendant requests that this Court grant its Motion and
10 require plaintiff Peter Strojnik to post a bond in the amount of \$75,000.

Respectfully Submitted,

STILLMAN & ASSOCIATES

Doug H. De

Dated: November 15, 2021

By: _____ Philip H. Stillman, Esq.
Attorneys for defendant R.F. WEICHERT V, INC.

6

https://www.zillow.com/homedetails/7847-N-Central-Ave-Phoenix-AZ-85020/71619720_zpid/

PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on April 5, 2021, or as soon as possible thereafter, copies of the foregoing Motion for a Costs Bond, Memorandum of Points and Authorities, the Declaration of Philip Stillman, the Request for Judicial Notice, and Proposed Order was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same and via email to Plaintiff's email address listed with this Court.

By: /s/ Philip H. Stillman
Attorneys for R.F. WEICHERT V, INC.